

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Transportation to which was referred Senate Bill No.  
3 127 entitled “An act relating to miscellaneous changes to laws related to  
4 vehicles and vessels” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Special Plates and Placards for Persons With Disabilities \* \* \*

9 Sec. 1. 23 V.S.A. § 304a is amended to read:

10 § 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR  
11 PEOPLE WITH DISABILITIES

12 (a) The following definitions shall apply to this section:

13 \* \* \*

14 (6) “Eligible person” means:

15 (A) a person who is blind or has an ambulatory disability and has  
16 been issued a special registration plate or a windshield placard by this State or  
17 another state;

18 (B) a person who is transporting a person described in subdivision

19 (A) of this subdivision (6); or

20 (C) a person transporting a person who is blind or has an ambulatory  
21 disability on behalf of an organization that has been issued a special

1 registration plate or a windshield placard by this State or another state for the  
2 purpose of transporting a person who is blind or has an ambulatory disability.

3 \* \* \*

4 (e)(1) A person, other than an eligible person, who for his or her own  
5 purposes parks a vehicle in a space for persons with disabilities shall be ~~fin~~  
6 subject to a civil penalty of not less than \$200.00 for each violation and shall  
7 be liable for towing charges.

8 (2) A person, other than an eligible person, who displays a special  
9 registration plate or removable windshield placard not issued to him or her  
10 under this section and parks a vehicle in a space for persons with disabilities,  
11 shall be subject to a civil penalty of not less than \$400.00 for each violation  
12 and shall be liable for towing charges.

13 (3) ~~He or she shall~~ A person who violates this section also shall be liable  
14 for storage charges not to exceed \$12.00 per day, and an artisan's lien may be  
15 imposed against the vehicle for payment of the charges assessed.

16 (4) The person in charge of the parking space or spaces for persons with  
17 a disability or any duly authorized law enforcement officer shall cause the  
18 removal of a vehicle parked in violation of this section.

19 (5) A violation of this section shall be considered a traffic violation  
20 within the meaning of 4 V.S.A. chapter 29.

21 \* \* \*



1 exceed the annual funding needs of the Nongame Wildlife Account and the  
2 Watershed Management Account.

3 Sec. 3. 23 V.S.A. § 304c is amended to read:

4 § 304c. MOTOR VEHICLE REGISTRATION PLATES: BUILDING

5 BRIGHT SPACES FOR BRIGHT FUTURES FUND

6 \* \* \*

7 (b) Fees collected under subsection (a) of this section shall be allocated as  
8 follows:

9 (1) ~~\$7.00~~ 29 percent to the Transportation Fund.

10 (2) ~~\$17.00~~ 71 percent to the Department for Children and Families for  
11 deposit in the Bright Futures Fund created in 33 V.S.A. § 3531.

12 (c) Renewal fees collected under subsection (a) of this section shall be  
13 allocated as follows:

14 (1) ~~\$19.00~~ 79 percent to the Department for Children and Families for  
15 deposit in the Bright Futures Fund in 33 V.S.A. § 3531.

16 (2) ~~\$5.00~~ 21 percent to the Transportation Fund.

17 (d) The Department of Motor Vehicles shall be charged by the Department  
18 of Corrections for the production of the Bright Futures Fund license plates.



1 accordance with chapter 21 of this title upon payment of the registration fee  
2 provided in subchapter 2 of this chapter and of the title fee. The temporary  
3 registration certificate and the number plate shall be valid for 60 days and shall  
4 not be renewed. At the expiration of the temporary registration, a permanent  
5 registration certificate and a set of number plates shall be issued provided that  
6 all documents and information required by law are filed with the  
7 Commissioner.

8 (b) The registration fee paid in accordance with subsection (a) of this  
9 section shall not be refunded, except that the fee shall be deemed the fee for  
10 the permanent registration, if one is issued, or shall be deemed the fee for  
11 ~~another~~ an application for registration to register another vehicle, if the title  
12 requirements are met during that registration period. Likewise, the title fee  
13 shall be deemed the fee for the title, if one is issued, or shall be deemed the fee  
14 for an application to title another vehicle.

15 \* \* \* Registration Transfers \* \* \*

16 Sec. 6. 23 V.S.A. § 321 is amended to read:

17 § 321. PROCEDURE UPON TRANSFER

18 Upon the transfer of ownership of any registered motor vehicle its  
19 registration shall expire. The person in whose name the transferred vehicle  
20 was registered shall immediately return direct to the Commissioner the  
21 registration certificate assigned to the transferred vehicle, with the date of sale

1 and the name and residence of the new owner endorsed on the back. However,  
2 the Commissioner may accept any other satisfactory evidence of the above  
3 required information. The transferor shall forthwith remove the registration  
4 number plates from the transferred vehicle and may attach the same to another  
5 unregistered motor vehicle owned by him or her. Upon the transfer of  
6 registration plates from a motor vehicle, the registration of which has expired  
7 as above provided, to another motor vehicle, owned by the ~~transferer~~  
8 transferor, the owner or operator shall not, for a period of ~~30~~ 60 days, be  
9 subject to a fine for the operation of the latter motor vehicle without the proper  
10 registration certificate, provided he or she has, within 24 hours of the transfer,  
11 made application, as provided in section 323 of this title, for transfer of the  
12 registration number plates. If such application for transfer is not so received  
13 by the Commissioner, the number plates shall be returned to the Commissioner  
14 at the end of five days after the transfer of ownership.

15 \* \* \* Registration Fees; Local Transit Buses \* \* \*

16 Sec. 7. 23 V.S.A. § 372a is amended to read:

17 § 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

18 (a) The annual registration fee for any motor bus used in local transit or  
19 public transportation service shall be \$62.00, except for those vehicles owned  
20 by a municipality for such service that are subject to the provisions of section  
21 376 of this title. In the event a bus registered for local transit or public

1 transportation service is thereafter registered for general use during the same  
2 registration year, such fee shall be applied towards the fee for general  
3 registration.

4 (b) As used in this section, a motor bus used in public transportation  
5 service bus is a bus used by a nonprofit public transit system as defined in  
6 24 V.S.A. § 5088(3), and a motor bus used in local transit bus is a motor bus  
7 used entirely within or not more than ~~40~~ 100 miles beyond the boundaries of a  
8 city or town.

9 \* \* \* Exhibition Vehicles \* \* \*

10 Sec. 8. 23 V.S.A. § 373 is amended to read:

11 § 373. EXHIBITION VEHICLES; YEAR OF MANUFACTURE PLATES

12 (a) The annual fee for the registration of a motor vehicle which is  
13 maintained ~~solely~~ for use in exhibitions, club activities, parades, and other  
14 functions of public interest and which is not used for ~~the~~ general daily  
15 transportation of passengers or property on any highway, ~~except to attend such~~  
16 ~~functions~~, shall be \$21.00, in lieu of fees otherwise provided by law. Permitted  
17 use shall include:

18 (1) use in exhibitions, club activities, parades, and other functions of  
19 public interest; and

20 (2) occasional transportation of passengers or property not more than  
21 one day per week.

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\* \* \*

\* \* \* Licenses and Permits to Operate; Refusals to Issue \* \* \*

Sec. 9. 23 V.S.A. § 603(c) is amended to read:

(c) An ~~operator~~ operator's license, junior ~~operator~~ operator's license, or ~~learner~~ learner's permit shall not be issued to an applicant whose license ~~or~~ learner's permit, or privilege to operate is suspended, revoked, or canceled in any jurisdiction.

Sec. 10. CONFORMING CHANGES

(a) In 23 V.S.A. § 601(b), the phrase “operator licenses” shall be replaced with “operator’s licenses” wherever it appears.

(b) In 23 V.S.A. § 603(b) and (d), wherever they appear:

(1) The phrase “operator license” shall be replaced with “operator’s license.”

(2) The phrase “junior operator license” shall be replaced with “junior operator’s license.”

(3) The phrase “learner permit” shall be replaced with “learner’s permit.”

1                   \* \* \* Learner's Permits; Operation Under \* \* \*

2           Sec. 11. 23 V.S.A. § 615 is amended to read:

3           § 615. UNLICENSED OPERATORS

4           (a)(1)(A) An unlicensed person 15 years of age or older may operate a  
5           motor vehicle if he or she possesses a valid learner's permit issued to him or  
6           her by the Commissioner, or by another jurisdiction in accordance with section  
7           208 of this title, and if one of the following persons who is not under the  
8           influence of alcohol or drugs rides beside him or her:

9                   (i) his or her licensed parent or guardian;

10                  (ii) a licensed or certified driver education instructor;

11                  (iii) a licensed examiner of the Department; or

12                  (iv) a licensed person at least 25 years of age ~~rides beside him~~  
13           ~~or her.~~

14           (B) A person described under subdivisions (A)(i)–(iv) of this  
15           subdivision (1) who, while under the influence of alcohol or drugs, rides beside  
16           an individual whom the person knows to be unlicensed shall be subject to the  
17           same penalties as for a violation of subsection 1130(b) of this title. A holder of  
18           a learner's permit shall not be deemed to have violated this section if a person  
19           described under subdivisions (A)(i)–(iv) of this subdivision (1) rides beside  
20           him or her while the person is under the influence of alcohol or drugs.







1 (C) § 1099. Texting prohibited;

2 (D) § 1095b(c)(2) Use of portable electronic device in  
3 work or school zone—second and  
4 subsequent offenses;

5 \* \* \*

6 \* \* \* DUI-Related Provisions \* \* \*

7 Sec. 14. 23 V.S.A. chapter 13, subchapter 13 is amended to read:

8 Subchapter 13. Drunken Driving

9 § 1200. DEFINITIONS

10 As used in this subchapter:

11 \* \* \*

12 (10) “Random retest” means a test of a vehicle operator’s blood alcohol  
13 concentration, other than a test required to start the vehicle, that is required at  
14 random intervals during operation of a vehicle equipped with an ignition  
15 interlock device.

16 \* \* \*

17 § 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND

18 DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

19 \* \* \*

1 (b) Abstinence.

2 (1)(A) Notwithstanding any other provision of this subchapter, a  
3 person whose license or privilege to operate has been suspended or revoked for  
4 life under this subchapter may apply to the Driver Rehabilitation School  
5 Director and to the Commissioner for reinstatement of his or her driving  
6 privilege. The person shall have completed three years of total abstinence  
7 from consumption of alcohol or nonprescription regulated drugs, or both. The  
8 use of a regulated drug in accordance with a valid prescription shall not  
9 disqualify an applicant for reinstatement of his or her driving privileges unless  
10 the applicant used the regulated drug in a manner inconsistent with the  
11 prescription label.

12 (B) The beginning date for the period of abstinence shall be no sooner  
13 than the effective date of the suspension or revocation from which the person is  
14 requesting reinstatement and shall not include any period during which the  
15 person is serving a sentence of incarceration to include furlough. The  
16 application shall include the applicant's authorization for a urinalysis  
17 examination to be conducted prior to reinstatement under this subdivision. The  
18 application to the Commissioner shall be accompanied by a fee of \$500.00.  
19 The Commissioner shall have the discretion to waive the application fee if the  
20 Commissioner determines that payment of the fee would present a hardship to  
21 the applicant.

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\* \* \*

§ 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR  
CERTIFICATE; PENALTIES

\* \* \*

(e) ~~Except as provided in subsection (m) of this section, the~~ The holder of an ignition interlock RDL or ignition interlock certificate shall pay the costs of installing, purchasing or leasing, and removing the ignition interlock device as well as calibrating the device and retrieving data from it periodically as may be specified by the Commissioner.

\* \* \*

(1)(1) The Commissioner, in consultation with any individuals or entities the Commissioner deems appropriate, shall adopt rules and may enter into agreements to implement the provisions of this section. The Commissioner shall not approve a manufacturer of ignition interlock devices as a provider in this State unless the manufacturer agrees to reduce the cost of installing, leasing, and deinstalling the device by at least 50 percent for persons who furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like benefits in another state.

(2) The rules shall establish uniform performance standards for ignition interlock devices including required levels of accuracy in measuring blood alcohol concentration, efficacy in distinguishing valid breath samples, the

1 occurrence of random retests while the vehicle is running, and automatic  
2 signaling by the vehicle if the operator fails such a retest. After an initial  
3 random retest to occur within 15 minutes of the vehicle starting, subsequent  
4 random retests shall occur on average not more often than once every 30  
5 minutes. The Commissioner shall certify devices that meet these standards,  
6 specify any periodic calibration that may be required to ensure accuracy of the  
7 devices, and specify the means and frequency of the retrieval and sharing of  
8 data collected by ignition interlock devices. ~~Persons who elect to obtain an~~  
9 ~~ignition interlock RDL or certificate following a conviction under this~~  
10 ~~subchapter when the person's blood alcohol concentration is proven to be 0.16~~  
11 ~~or more shall be required to install an ignition interlock device with a Global~~  
12 ~~Positioning System feature.~~ The rules also shall establish a schedule of  
13 extensions of the period prior to eligibility for reinstatement as authorized  
14 under subsection (h) of this section.

15 \* \* \*

16 \* \* \* Length of Vehicles \* \* \*

17 Sec. 15. 23 V.S.A. § 1402(b)(2) is amended to read:

18 (2) ~~Notwithstanding the provisions of this section, the Agency of~~  
19 ~~Transportation may erect signs at those locations where it would be unsafe to~~  
20 ~~operate vehicles in excess of 68 feet in length. [Repealed.]~~



1 more than one person, the nature of the ownership must be indicated by one of  
2 the following on the certificate of title:

3 \* \* \*

4 (e)(1) Pursuant to the provisions of 14 V.S.A. § 313, whenever the estate of  
5 an individual who dies intestate consists principally of a vessel, snowmobile,  
6 or all-terrain vehicle, the surviving spouse shall be deemed to be the owner of  
7 the vessel, snowmobile, or all-terrain vehicle and title to the vessel,  
8 snowmobile, or all-terrain vehicle shall automatically pass to the surviving  
9 spouse. ~~The surviving spouse may register~~ Upon request, the Department  
10 shall register and title the vessel, snowmobile, or all-terrain vehicle ~~by paying a~~  
11 ~~transfer fee not to exceed \$2.00~~ in the name of the surviving spouse, and no fee  
12 shall be assessed.

13 (2) Notwithstanding any contrary provision of law, and except as  
14 provided in subdivision (3) of this subsection, whenever the estate of an  
15 individual consists in whole or in part of a vessel, snowmobile, or all-terrain  
16 vehicle, and the person's will or other testamentary document does not  
17 specifically address disposition of the same, the surviving spouse shall be  
18 deemed to be the owner and title to the vessel, snowmobile, or all-terrain  
19 vehicle shall automatically pass to the surviving spouse. Upon request, the  
20 Department shall register and title the vessel, snowmobile, or all-terrain  
21 vehicle in the name of the surviving spouse, and no fee shall be assessed.



1 conducted in a designated area by law enforcement officials. A designated  
2 area shall be warned solely by blue lights either on a stationary snowmobile  
3 parked on a trail or on a cruiser parked at a roadside trail crossing.

4 Sec. 20. 23 V.S.A. § 3318 is amended to read:

5 § 3318. ADMINISTRATION AND ENFORCEMENT

6 (a) The administration of the provisions of this chapter, as they pertain to  
7 the registration and numbering of vessels and the suspension of the privilege to  
8 operate vessels, shall be the responsibility of the Department of Motor  
9 Vehicles.

10 \* \* \*

11 (c) The provisions of this subchapter and the rules adopted pursuant to this  
12 subchapter shall be enforced by law enforcement officers as defined in section  
13 3302 of this title in accordance with the provisions of ~~12 V.S.A. chapter 193~~  
14 4 V.S.A. chapter 29. Law enforcement officers as defined in section 3302 of  
15 this title may also enforce the provisions of 10 V.S.A. § 1454 and the rules  
16 adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of  
17 10 V.S.A. chapter 50.

18 \* \* \* Motor Vehicle Purchase and Use Tax \* \* \*

19 Sec. 21. 32 V.S.A. § 8902(5) is amended to read:

20 (5) “Taxable cost” means the purchase price as defined in  
21 subdivision (4) of this section or the taxable cost as determined under section

1 8907 of this title. For any purchaser who has paid tax on the purchase or use  
2 of a motor vehicle that was sold or traded by the purchaser or for which the  
3 purchaser received payment under a contract of insurance, the taxable cost of  
4 the replacement motor vehicle other than a leased vehicle shall exclude:

5 \* \* \*

6 (B) the amount received from the sale of a motor vehicle last  
7 registered in his or her name, the amount not to exceed the ~~average book~~ clean  
8 trade-in value of the same make, type, model, and year of manufacture as  
9 designated by the manufacturer and as shown in the NADA Official Used Car  
10 Guide, ~~National Automobile Dealers Association~~ (New England edition), or  
11 any comparable publication, provided such sale occurs within three months of  
12 the taxable purchase. However, this three-month period shall be extended  
13 day-for-day for any time that a member of a guard unit or of the U.S. Armed  
14 Forces, as defined in 38 U.S.C. § 101(10), spends outside Vermont due to  
15 activation or deployment, and an additional 60 days following the person's  
16 return from activation or deployment. Such amount shall be reported on forms  
17 supplied by the Commissioner of Motor Vehicles;

18 \* \* \*

1 Sec. 22. 32 V.S.A. § 8907 is amended to read:

2 § 8907. COMMISSIONER, COMPUTATION OF TAXABLE COSTS

3 (a) The Commissioner may investigate the taxable cost of any motor  
4 vehicle transferred subject to the provisions of this chapter. If the motor  
5 vehicle is not acquired by purchase in Vermont or is received for an amount  
6 which does not represent actual value, or if no tax form is filed or it appears to  
7 the Commissioner that a tax form contains fraudulent or incorrect information,  
8 the Commissioner may, in his or her discretion, fix the taxable cost of the  
9 motor vehicle at the ~~average book~~ clean trade-in value of vehicles of the same  
10 make, type, model, and year of manufacture as designated by the manufacturer,  
11 as shown in the NADA Official Used Car Guide, ~~National Automobile Dealers~~  
12 ~~Association~~ (New England Edition) or any comparable publication, less the  
13 lease end value of any leased vehicle. The Commissioner may compute and  
14 assess the tax due thereon, and notify the purchaser thereof forthwith by  
15 certified mail, and the purchaser shall remit the same within 15 days thereafter.

16 \* \* \*

17 Sec. 23. MOTOR VEHICLE PURCHASE AND USE TAX; EXTENSION

18 OF THREE-MONTH PERIOD TO REDUCE TAXABLE COST

19 (a) Notwithstanding 32 V.S.A. § 8902(5)(B), the three-month limitation on  
20 the period in which to reduce the taxable cost of a motor vehicle by the sale of  
21 a previously owned vehicle shall not apply in the case of vehicles sold to the

1 manufacturer pursuant to buyback agreement under a Volkswagen, Audi, or  
2 Porsche diesel engine defeat device settlement or judgment, if the vehicle is  
3 sold to the manufacturer:

4 (1) on or before November 10, 2017, in the case of 2.0 liter diesel  
5 engine Volkswagens and Audis; or

6 (2) on or before one year after buybacks commence under the 3.0 liter  
7 diesel engine class action settlement for Volkswagens, Audis, and Porsches.

8 (b) If a person paid a purchase and use tax in excess of the amount that  
9 would have been required if this section had been in effect at the time of the  
10 tax payment, the Commissioner of Motor Vehicles, upon application, shall  
11 issue the person a refund in accordance with this section.

12 \* \* \* Vermont Strong License Plates \* \* \*

13 Sec. 24. VERMONT STRONG MOTOR VEHICLE PLATES

14 (a) In 2012 Acts and Resolves No. 71, Sec. 1, as amended by 2012 Acts  
15 and Resolves No. 143, Sec. 13, the General Assembly authorized the  
16 Department of Motor Vehicles to distribute “Vermont Strong” commemorative  
17 plates and authorized operators of certain Vermont-registered vehicles to  
18 display the commemorative plates over the regular front registration plates of  
19 such vehicles until June 30, 2014. In 2014 Acts and Resolves No. 189,  
20 Sec. 26, the authorized display period was extended to June 30, 2016.

1       (b) Through an executive order issued on June 2, 2016, No. 3–74, the  
2       Governor ordered and directed that the Commissioner of Motor Vehicles  
3       continue to permit Vermonters to display Vermont Strong plates on the front of  
4       eligible vehicles and that Vermont law enforcement officers refrain from  
5       ticketing or otherwise penalizing any Vermonter for displaying a Vermont  
6       Strong plate on eligible vehicles “until the General Assembly next has the  
7       opportunity to consider and clarify the duration of Vermont Strong  
8       Commemorative License Plates.”

9       (c) Under 23 V.S.A. § 511(a), “A motor vehicle operated on any highway  
10       shall have displayed in a conspicuous place either one or two number plates as  
11       the Commissioner may require.” The Commissioner has implemented this  
12       authority through a regulation, CVR 14-050-025, which states, “Two  
13       registration plates are issued to and must be displayed by all registered  
14       vehicles” with the exception of certain listed vehicles. The listed exceptions  
15       do not include pleasure cars or motor trucks, which therefore are required to  
16       display two registration plates unless otherwise provided by law.

17       (d) This subsection supersedes Executive Order 3–74. The display of  
18       Vermont Strong commemorative plates in place of front registration plates no  
19       longer is authorized. On and after September 1, 2017, the Commissioner of  
20       Motor Vehicles and law enforcement officers shall enforce the provisions of  
21       23 V.S.A. § 511(a) and CVR 14-050-025 that require the display of two

1 registration plates on pleasure cars and on motor trucks. Prior to September 1,  
2 2017, the Commissioner shall take measures to raise public awareness that the  
3 display of Vermont Strong commemorative plates in place of front registration  
4 plates no longer is authorized.

5 \* \* \* Incident Clearance; Duties; Limitation on Liability \* \* \*

6 Sec. 25. 23 V.S.A. § 1102 is amended to read:

7 § 1102. REMOVAL OF STOPPED VEHICLES

8 (a) ~~Any~~ Subject to subsection (c) of this section, any enforcement officer is  
9 authorized to:

10 (1) ~~move~~ cause the removal of a vehicle stopped, parked, or standing  
11 contrary to section 1101 of this title, or ~~to~~ require the driver or other person in  
12 charge to move the vehicle to a safe position off the ~~paved or~~ main-traveled  
13 part of the highway;

14 (2) ~~remove~~ cause the removal of an unattended vehicle ~~which~~ or cargo  
15 that is an obstruction to traffic or to maintenance of the highway to a garage or  
16 other place of safety;

17 (3) ~~remove~~ cause the removal of any vehicle found upon a highway, as  
18 defined in 19 V.S.A. § 1, to a garage or other place of safety when:

19 (A) the officer is informed by a reliable source that the vehicle has  
20 been stolen or taken without the consent of its owner; or

1 (B) the person in charge of the vehicle is unable to provide for its  
2 removal; or

3 (C) the person in charge of the vehicle has been arrested under  
4 circumstances ~~which~~ that require his or her immediate removal from control of  
5 the vehicle.

6 (b) In the case of a crash involving a serious bodily injury or fatality,  
7 clearance of the crash scene may be delayed until the crash investigation is  
8 completed.

9 (c) A towing operator shall undertake removal of a vehicle or cargo under  
10 this section only if summoned to the scene by the vehicle owner or vehicle  
11 operator, or an enforcement officer, and is authorized to perform the removal  
12 as follows:

13 (1) The owner or operator of the vehicle or cargo being removed shall  
14 summon to the scene the towing operator of the owner's or operator's choice in  
15 consultation with the enforcement officer and designate the location to where  
16 the vehicle or cargo is to be removed.

17 (2) The provisions of subdivision (1) of this subsection shall not apply  
18 when the owner or operator is incapacitated or otherwise unable to summon a  
19 towing operator, does not make a timely choice of a towing operator, or defers  
20 to the enforcement officer's selection of the towing operator.

1           (3) The authority provided to the owner or operator under subdivision  
2           (1) of this subsection may be superseded by the enforcement officer if the  
3           towing operator of choice cannot respond to the scene in a timely fashion and  
4           the vehicle or cargo is a hazard, impedes the flow of traffic, or may not legally  
5           remain in its location in the opinion of the enforcement officer.

6           (d)(1) Except as provided in subdivision (2) of this subsection, the vehicle  
7           owner and the motor carrier, if any, shall be responsible to the law enforcement  
8           agency or towing operator for reasonable costs incurred solely in the removal  
9           and subsequent disposition of the vehicle or cargo under this section.

10           (2) When applicable, the provisions of 10 V.S.A. § 6615 (liability for  
11           release of hazardous materials) shall apply in lieu of this subsection.

12           (e) Except for intentionally inflicted damage or gross negligence, an  
13           enforcement officer or a person acting at the direction of an enforcement  
14           officer who removes from a highway a motor vehicle or cargo that is  
15           obstructing traffic or maintenance activities or creating a hazard to traffic shall  
16           not be liable for damage to the vehicle or cargo incurred during the removal.

17           (f) Any enforcement officer causing the removal of a motor vehicle under  
18           this section shall notify the Department as to the location and date of discovery  
19           of the vehicle, date of removal of the vehicle, name of the towing service  
20           removing the vehicle, and place of storage. The officer shall record and  
21           remove from the vehicle, if possible, any information ~~which~~ that might aid the

1 Department in ascertaining the ownership of the vehicle and forward ~~it~~ the  
2 information to the Department. A motor vehicle towed under authority of this  
3 section may qualify as an abandoned motor vehicle under subchapter 7 of  
4 chapter 21 of this title.

5 (g)(1) Except as otherwise provided in subdivision (2) of this subsection,  
6 the operator of a vehicle involved in a crash who is required by law to stop the  
7 vehicle, or who elects to stop the vehicle, at the crash scene shall move and  
8 stop the vehicle at the nearest location where the vehicle will not impede traffic  
9 or jeopardize the safety of a person.

10 (2) The duty to move a vehicle under subdivision (1) of this subsection  
11 shall not apply when:

12 (A) the crash involved the death of or apparent injury to any person;

13 (B) the vehicle to be moved was transporting hazardous material;

14 (C) the vehicle cannot be operated under its own power without  
15 further damage to the vehicle or the highway; or

16 (D) the movement cannot be made without endangering other  
17 highway users.

18 (3) An operator required to move a vehicle under this subsection who  
19 fails to do so shall not be ticketed, assessed a civil penalty, or have points  
20 assessed against his or her driving record.

1 Sec. 26. 23 V.S.A. § 1128 is amended to read:

2 § 1128. ACCIDENTS—DUTY TO STOP

3 (a) The operator of a motor vehicle who has caused or is involved in ~~an~~  
4 ~~accident~~ a crash resulting in injury to any person other than the operator, or in  
5 damage to any property other than the vehicle then under his or her control,  
6 shall immediately stop and render any assistance reasonably necessary.

7 Subsection 1102(g) of this title (stopping not to impede traffic or jeopardize  
8 safety; exceptions) governs the location where a person shall stop. The  
9 operator shall give his or her name, residence, license number, and the name of  
10 the owner of the motor vehicle to any person who is injured or whose property  
11 is damaged and to any enforcement officer. A person who violates this section  
12 shall be fined not more than \$2,000.00 or imprisoned for not more than two  
13 years, or both.

14 \* \* \*

15 \* \* \* Inspections; Mail Carrier Vehicles \* \* \*

16 Sec. 27. 23 V.S.A. § 1222(e) is added to read:

17 (e) A vehicle used as a mail carrier under a contract with the U.S. Postal  
18 Service shall not fail inspection solely because, in converting the vehicle to be  
19 a right-hand drive vehicle, the right air bag in the front compartment has been  
20 disconnected or a nonfactory disconnect switch has been installed to disable  
21 the air bag.





1           (1) Develop an educational resource for property owners related to the  
2 prevention of injuries arising from recreational use of property. At a  
3 minimum, this resource shall:

4           (A) note that failure to mark appropriately a chain, wire, cable, or  
5 similar material strung across a known path of recreational users can result in  
6 severe injury or death; and

7           (B) recommend means and methods to mark appropriately such  
8 chains, wires, cables, or similar materials.

9           (2) Take appropriate steps to cause this resource to be disseminated to  
10 owners of property in the State.

11           (b) Nothing in this section is intended to modify the rights, duties,  
12 liabilities, or defenses available to any person under any other law. Neither the  
13 existence of, nor the fact that a property owner received or may have received  
14 or been aware of, the educational resource required to be developed under this  
15 section shall be discoverable or used in any civil, criminal, or administrative  
16 proceeding.

17           \* \* \* Effective Dates; Retroactivity; Sunset; Applicability \* \* \*

18           Sec. 31. EFFECTIVE DATES; RETROACTIVITY; SUNSET;

19           APPLICABILITY

20           (a)(1) This section and Secs. 9 (licenses and permits to operate; refusals to  
21 issue), 15 (signs regarding length of vehicles), 16 (list of approved highways),

1 23 (motor vehicle purchase and use tax; extension of three-month period to  
2 reduce taxable cost), 24 (Vermont Strong license plates), 25–26 (incident  
3 clearance), 27 (inspections; mail carrier vehicles), 28–29 (motorboat safety  
4 equipment), and 30 (injury prevention; educational resource) shall take effect  
5 on passage.

6 (2) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total  
7 Abstinence Program) shall take effect on passage.

8 (3) Notwithstanding 1 V.S.A. § 214, Sec. 23 shall apply retroactively to  
9 October 26, 2016.

10 (4) 23 V.S.A. § 1222(e), added in Sec. 27 (inspections; mail carrier  
11 vehicles), shall be repealed on July 1, 2020.

12 (b) In Sec. 14, 23 V.S.A. § 1213(l)(2) (timing of random retests and  
13 elimination of GPS requirement) shall take effect 60 days after passage of  
14 this act.

15 (c) All other sections shall take effect on July 1, 2017.

16 (d) In Sec. 14, 23 V.S.A. § 1213(l)(2) (timing of random retests and  
17 elimination of GPS requirement) shall apply to all persons with ignition  
18 interlock restricted driver’s licenses as of the effective date of this provision  
19 and to persons whose underlying DUI offenses occurred prior to the effective  
20 date of this act, as well as to persons who obtain ignition interlock RDLs on or  
21 after the effective date of this provision.

1       (e) In Sec. 14, 23 V.S.A. § 1209a(b) (reinstatement under Total Abstinence  
2       Program) shall apply to persons whose periods of abstinence began prior to the  
3       effective date of this provision, as well as to persons who begin a period of  
4       abstinence on or after the effective date of this provision. In addition to  
5       hardship fee waivers authorized under 23 V.S.A. § 1209a(b), if a person’s  
6       application for reinstatement under the Program was denied prior to the  
7       effective date solely because of use of a drug in accordance with a valid  
8       prescription, and the person used the drug in a manner consistent with the  
9       prescription label, the Commissioner shall waive the fee for a subsequent  
10       application.

11

12

13       (Committee vote: \_\_\_\_\_)

14

\_\_\_\_\_

15

Representative \_\_\_\_\_

16

FOR THE COMMITTEE